



**TOWN OF HARPSWELL  
PLANNING BOARD MINUTES  
AUGUST 17, 2005**  
Approved September 14, 2005

**MEMBERS PRESENT**

John Papacosma, Chairman  
Dorothy Carrier, Vice Chairman  
Joanne Rogers  
George Swallow  
Kenneth Cichon, Associate Member

**MEMBERS ABSENT**

Henry Korsiak

**STAFF PRESENT**

Jay Chace, Planner  
Marsha Hinton, Recording Secretary

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The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by John Papacosma, Chairman.

John Papacosma appointed Kenneth Cichon as a full voting member for this Planning Board meeting.

Minutes of July 20, 2005

George Swallow noted a grammatical error on page ten of the July 20, 2005, minutes and suggested language to clarify the first paragraph and first motion on page ten of those minutes. The Planning Board was polled and approved of the clarifying language as follows:

“The Planning Board held discussion on the whether a commercial ~~use~~ *fishing structure* must meet the definition of commercial use and the legal definition of “commercial ~~use~~ *fishing structure*”. Joanne Rogers read the Town of Harpswell ordinance definition of commercial use. Ms. Rogers stated that she could not make this proposal fit that definition of commercial use and would not stretch it to make it fit. George Swallow stated that he felt that since this lab was in support of the commercial fishing industry ~~and that~~ it would fit under the Town of Harpswell ordinance definitions. John Papacosma stated that historically the Planning Board has taken a strict interpretation of the ordinances. Bill Wells stated that both the Codes Office and Planning Director agreed with Mr. Swallow’s interpretation.”

“George Swallow moved without second that the site plan meets the conditions of § 15.3.5 and that the pump house structure relates to commercial fishing and ~~there~~ *therefore* can be built on the pier itself.”

**JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO ACCEPT THE MINUTES AS AMENDED.**

**UNANIMOUS APPROVAL**

John Papacosma reviewed the site visit stating that it was attended by all Planning Board members.

**ITEM 1**

**05-07-02 BOWDOIN COLLEGE, SITE PLAN REVIEW, DEEPWATER ACCESS TO SUPPORT COASTAL STUDIES CENTER PROGRAM AND RESEARCH, SHORELAND RESIDENTIAL, TAX MAP 36-2, ORR’S ISLAND. (CONTINUED FROM JULY 20, 2005 MEETING.)**

John Papacosma informed the Planning Board that this agenda item had been withdrawn and asked that the letter from Bowdoin College dated August 15, 2005, withdrawing that application be entered to the record.

## **NEW BUSINESS**

### **ITEM 1**

**05-08-01 S. JAMES MORRELL, SUNRISE BUILDERS, LLC (WILLIAM MCCOLLUM – OWNER)  
RECONSTRUCTION OF A NON-CONFORMING STRUCTURE, REPLACEMENT OF FOUNDATION,  
SHORELAND RESIDENTIAL, TAX MAP 25-83, BAILEY ISLAND.**

Mr. Papacosma informed the Planning Board that the applicant for New Business agenda item one was unable to be present for this evening's meeting.

Jay Chace, Town Planner, stated that he had spoken with the applicant before the meeting, that the applicant was available by phone to answer any questions, and that it was the applicant's desire that the application be heard.

The Planning Board held discussion on the necessity of having the applicant or their representative present at the meeting to answer any questions the Planning Board may have, requirements of the Ordinances with regard to attendance of the applicant and the Planning Board by-laws.

**JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA TO TABLE THIS AGENDA ITEM UNTIL  
THE SEPTEMBER 2005 PLANNING BOARD MEETING AS THERE IS PRECEDENT FOR NOT HEARING  
AN ITEM WITHOUT AN INDIVIDUAL REPRESENTATIVE IN ATTENDANCE.**

## **UNANIMOUS APPROVAL**

### **ITEM 2**

**05-08-02 BARRY AND PATTI PONTOLILLO, (MADELEINE S. TYROL/COOK'S ISLAND VIEW MOTEL –  
OWNER), SITE PLAN REVIEW, REMOVE OWNER'S RESIDENCE AND UNITS 10 AND 11, INTERIOR,  
TAX MAP 24-256, BAILEY ISLAND.**

Barry Pontolillo described the renovations to the existing structure, the desire to maintain the pastoral character of the site, improvements to the landscaping, hazardous material removal, septic system, removal of vegetation, the reduction in number of rental units, swimming pool management, pedestrian access, lighting, and intended use of the site.

Jay Chace, Town Planner, entered into the record letters received on August 17, 2005, from the applicant with regard to financial capacity and erosion control measures.

John Papacosma, Chair, opened the floor to members of the public present who wished to comment.

Carol Ryberg, abutter, stated that she just wanted to know if the applicant is going to "dress it up" (referring to the structure) and that it appeared that they were going to do so.

The Planning Board discussed pool safety, vegetation removal, ground water quantity, on site storage of pool chemicals, stormwater management, parking, erosion control, hazardous materials, comments from town staff and pedestrian circulation.

Planning Board consideration of Site Plan Review Ordinance §15. Approval Standards and Criteria

Section 15.1 Dimensional Requirements

**JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT § 15.1 DIMENSIONAL REQUIREMENTS HAS BEEN MET BASED ON THE INFORMATION PROVIDED BY THE CODES ENFORCEMENT OFFICE.**

**UNANIMOUS APPROVAL**

Section 15.2 Utilization of the Site

**JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT § 15.2 UTILIZATION OF THE SITE HAS BEEN MET.**

**UNANIMOUS APPROVAL**

Section 15.3 Adequacy of Road Systems

**JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 15.3 ADEQUACY OF ROAD SYSTEMS BECAUSE THE ROAD SYSTEM HAS BEEN ADEQUATE.**

**UNANIMOUS APPROVAL**

Section 15.4 Access into the Site

**DOROTHY CARRIER MOVED, SECONDED BY KENNETH CICHON THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.4 ACCESS INTO THE SITE BECAUSE ACCESS INTO THE SITE WILL NOT CHANGE AS A RESULT OF THIS PROPOSAL.**

**UNANIMOUS APPROVAL**

Section 15.5 Access/Egress Way Location and Spacing

**JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.5 ACCESS/EGRESS WAY LOCATION AND SPACING AS THERE WILL BE NO CHANGE AS A RESULT OF THIS PROPOSAL.**

**UNANIMOUS APPROVAL**

Section 15.6 Internal Vehicular Circulation

**KENNETH CICHON MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.6 INTERNAL VEHICULAR CIRCULATION AS THE CURRENT SITUATION APPEARS TO BE ADEQUATE FOR VEHICLES AND THIS APPLICATION WOULD BE A LESS INTENSIVE USE OF THE SITE.**

**UNANIMOUS APPROVAL**

Section 15.7 Parking

**JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.7 PARKING IN THAT THERE IS ADEQUATE PARKING.**

**UNANIMOUS APPROVAL**

Section 15.8 Pedestrian Circulation

**JOANNE ROGERS MOVED, SECONDED BY KENNETH CICHON TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.8 PEDESTRIAN CIRCULATION AS THERE ARE NO PROPOSED CHANGES TO THE ONSITE PEDESTRIAN CIRCULATION.**

**DOROTHY CARRIER MOVED, SECONDED BY GEORGE SWALLOW TO AMEND THE MOTION BY ADDING THE FOLLOWING CONDITION: THE APPLICANT CLEARLY DELINEATING A PEDESTRIAN WALKWAY BETWEEN THE MOTEL STRUCTURE AND THE POOL ALONG THE PARKING AREA FOR SAFE POOL ACCESS.**

**UNANIMOUS APPROVAL**

**JOANNE ROGERS MOVED, SECONDED BY KENNETH CICHON TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.8 PEDESTRIAN CIRCULATION BECAUSE THERE IS NO PROPOSED CHANGE TO PEDESTRIAN CIRCULATION CONDITIONED UPON THE APPLICANT CLEARLY DELINEATING A PEDESTRIAN WALKWAY BETWEEN THE MOTEL STRUCTURE AND THE POOL ALONG THE PARKING AREA FOR SAFE POOL ACCESS.**

**UNANIMOUS APPROVAL**

Section 15.9 Stormwater Management

**JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT'S PROPOSAL MEETS THE REQUIREMENTS §15.9 STORMWATER MANAGEMENT CONDITIONED UPON THE USE OF BEST MANAGEMENT PRACTICES DURING CONSTRUCTION.**

**UNANIMOUS APPROVAL**

Section 15.10 Erosion Control

**JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.10 EROSION CONTROL CONDITIONED UPON THE USE OF BEST MANAGEMENT PRACTICES DURING CONSTRUCTION.**

**UNANIMOUS APPROVAL**

Section 15.11 Water Supply and Groundwater Protection

**KENNETH CICHON MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.11 WATER SUPPLY AND GROUNDWATER PROTECTION AS THE EXISTING WELL SUPPLY HAS BEEN HISTORICALLY ADEQUATE AND THIS APPLICATION WILL BE A LESS INTENSIVE USE OF THE PROPERTY.**

**UNANIMOUS APPROVAL**

Section 15.12 Subsurface Waste Disposal

**DOROTHY CARRIER MOVED, SECONDED BY GEORGE SWALLOW THAT THE APPLICATION HAS MET THE REQUIREMENTS OF §15.12 SUBSURFACE WASTE DISPOSAL AS THE CURRENT SUBSURFACE WASTE DISPOSAL HAS BEEN PURPORTED TO BE ADEQUATE FOR THE CURRENT USE BY A SEPTIC DESIGN PROFESSIONAL WITH THE CONDITION PURSUANT TO THE CODES ENFORCEMENT MEMORANDUM DATED AUGUST 5, 2005, THAT THE APPLICANT REMOVE THE TREES AND ROOTS FROM THE SEPTIC FIELD AND LOAMING AND SEEDING OF THE SAME.**

**UNANIMOUS APPROVAL**

Section 15.13 Utilities and Essential Services

**DOROTHY CARRIER MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF § 15.13 UTILITIES AND ESSENTIAL SERVICES AS THERE DOES NOT APPEAR TO BE ANY MENTION OF CHANGE AT THE PRESENT TIME.**

**UNANIMOUS APPROVAL**

Section 15.14 Natural Features and Buffering

**JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.14 NATURAL FEATURES AND BUFFERING AS THERE WILL BE NO EXTENSIVE CHANGE TO THE EXISTING BUFFERING.**

**UNANIMOUS APPROVAL**

Section 15.15 Lighting

**JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.15 LIGHTING AS THERE WILL BE NO CHANGE TO THE EXISTING LIGHTING AND ANY CHANGES WILL BE NO MORE INTRUSIVE THAN IT IS AT THE PRESENT TIME.**

**UNANIMOUS APPROVAL**

Section 15.16 Water Quality Protection

**JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.16 WATER QUALITY PROTECTION.**

**UNANIMOUS APPROVAL**

Section 15.17 Hazardous, Special and Radioactive Materials

**DOROTHY CARRIER MOVED, SECONDED BY GEORGE SWALLOW TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.17 HAZARDOUS, SPECIAL AND RADIOACTIVE MATERIALS AS THE APPLICANT HAS INDICATED THAT HE WILL BE STORING THE POOL CHEMICALS IN A SEPARATE BUILDING THAT APPEARS TO BE ADEQUATE.**

**UNANIMOUS APPROVAL**

Section 15.18 Solid, Special and Hazardous Waste Disposal

**JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.18 AS THE APPLICANT IS SEEKING BIDS FOR THE REMOVAL AND DISPOSAL OF THE HAZARDOUS MATERIALS ON THE EXTERIOR SIDING AND INTERIOR SIDING AND THE SOLID WASTE WILL BE HANDLED BY A PRIVATE CONTRACTOR.**

**UNANIMOUS APPROVAL**

Section 15.19 Historic and Archaeological Resources

**JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA AS THEIR SITE IS NOT IDENTIFIED BY THE COMP PLAN OR THE NATIONAL PARK SERVICES AS SIGNIFICANT THAT 15.19 HISTORICAL AND ARCHAEOLOGICAL RESOURCES DOES NOT APPLY.**

**UNANIMOUS APPROVAL**

Section 15.20 Floodplain Management

**DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.20 FLOODPLAIN MANAGEMENT AS THIS IS NOT IN A FLOOD ZONE.**

**UNANIMOUS APPROVAL**

Section 15.21 Technical and Financial Capacity

**DOROTHY CARRIER MOVED, SECONDED BY KENNETH CICHON TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.21 TECHNICAL AND FINANCIAL CAPACITY AS SO INDICATED BY THE TOWN PLANNER'S READING OF THE LETTER OF FINANCIAL CAPACITY FROM WACHOVIA BANK.**

**UNANIMOUS APPROVAL**

**GEORGE SWALLOW MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT THE APPLICANT HAS MET THE REQUIREMENTS OF THE SITE PLAN REVIEW ORDINANCE AND THE PLANNING BOARD APPROVES THIS APPLICATION WITH THE CONDITIONS SO NOTED.**

**UNANIMOUS APPROVAL**

**OTHER BUSINESS**

Dorothy Carrier stated that on September 21, 2005, the next regularly scheduled Planning Board meeting date; a SAD meeting with the interested parties has been scheduled. Ms. Carrier added that because of the scheduling difficulties for the SAD meeting and the fact that two members of the Planning Board are interested parties to the SAD meeting that she was requesting the Planning Board meeting be rescheduled to allow attendance at the SAD meeting.

The Planning Board discussed possible dates for a reschedule of the September 2005 Planning Board meeting, the importance of the SAD meeting and notification time lines.

The Planning Board was polled and it was unanimously agreed to reschedule the Planning Board meeting for September 14, 2005.

Jay Chace, Town Planner, said that a Planning Board workshop was being arranged with the State Shoreland Zoning Coordinator and also informed the Planning Board that they were invited to join with the Conservation Commission for a workshop with Beginning with Habitat.

The Planning Board held discussion on moving review of the minutes to the end of the meeting. The Planning Board was polled and it was decided that review of the minutes would remain at the beginning of the meeting.

There being no other business before the Planning Board, **JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO ADJOURN.**

Meeting adjourned at 8:12 p.m.

Respectfully Submitted,

Marsha M. Hinton  
Planning Assistant